

SERVICE DATE – APRIL 29, 2014

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 55 (Sub-No. 734X)**

**The CSX Transportation, Inc. – Abandonment Exemption –  
Hamilton Beltline in Hamilton, Butler County, Ohio**

**BACKGROUND**

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad and any associated common carrier obligation in the town of Hamilton, Butler County, Ohio. The rail line proposed for abandonment is on the Hamilton Beltline, Northern Region, Baltimore Division, Louisville Division, Indianapolis Subdivision. The line extends 2.96 miles from milepost BDA 0.0 near Millville Avenue to the end of track at milepost BDA 2.96 near B Street North. The line includes seven public road crossings, three private road crossings, and two stream crossings. With a right-of-way approximately 13 feet wide, the total project area or Area of Potential Effect (APE) equates to roughly 4.7 acres of land. A map depicting the line in relationship to the area served is appended (Attachment 1) to this Environmental Assessment (EA).

If the notice becomes effective, the railroad will be able to abandon the line, salvage track, crossties and other railroad appurtenances and to sell or lease the right-of-way. According to CSXT, salvage work will not include disturbance below the railroad grade or to sub grade structures. Operation and maintenance of the line will cease with abandonment. CSXT notes that the only alternative to abandonment would be retention of the line, which has not carried freight or passenger traffic in over two years.

According to CSXT, following abandonment, no new rail-oriented business is expected to develop along the line. The line contains no federally granted rights-of-way and may be subject to reversionary interests. CSXT has noted that the Ohio Department of Transportation has expressed an interest in acquiring the property for use as a trail.

**ENVIRONMENTAL REVIEW**

CSXT submitted an Environmental Report that concludes that the quality of the human environment will not be affected significantly as a result of the proposed abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSXT served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Proposed Salvage Activities***

If abandonment authority is granted in this proceeding, CSXT states that salvage activities for the Hamilton Beltline will include removal of rail and crossties and possibly removal of the upper layer of ballast. The removal of material will be accomplished using the existing right of way for access, along with existing public and private crossings. No new access roads are anticipated. CSXT does not anticipate ground disturbance of underlying roadbeds nor any dredging or use of fill in the removal of track material. The crossties, rails and other debris that are removed will be carried off-site and no such material will be deposited along the right-of-way nor placed in streams or wetlands near the project area. CSXT has indicated that appropriate measures will be taken to prevent or control spills from fuels, lubricants or other pollutants from entering adjacent streams. CSXT has indicated no plans to demolish or otherwise alter two trestle bridges along the line.

### ***Diversion of Traffic***

According to CSXT, no local traffic has moved over the line for at least two years and all overhead traffic has been or can be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities, transportation of ozone-depleting materials, or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Water Resources***

The Hamilton Beltline crosses the Two Mile Creek, a tributary of the Great Miami River, in two locations and runs adjacent to a short stretch of the Great Miami River. Two Mile Creek is an impaired stream.<sup>2</sup> CSXT plans to avoid any discharge or erosion of sediment or fill into these streams by not requiring the use of fill and by avoiding ground disturbance in the course of salvage operations. Additionally, CSXT advised that it will take appropriate measures to prevent or control spills from fuels, lubricants or other pollutants. CSXT consulted the Region 5 U.S. Environmental Protection Agency (USEPA) in Chicago, Illinois, the Ohio Environmental

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-55 (Sub-No. 734X).

<sup>2</sup> Data acquired from U.S. Environmental Protection Agency (<http://nepassisttool.epa.gov/>).

Protection Agency (Ohio EPA), Division of Surface Water, and the Ohio Department of Natural Resources to help determine whether the proposed action is consistent with applicable federal, state or local water quality standards and if a permit under Section 402 of the Clean Water Act (33 U.S.C. 1342) is required. In its review of information supplied by the CSXT, the Ohio EPA commented that since the project does not involve ground disturbance and will not impact streams and wetlands, no permit is required. Neither the Region 5 USEPA Office nor the Ohio Department of Natural Resources has responded to CSXT. CSXT does not believe a Section 402 permit is required.

CSXT also consulted with the U.S. Army Corps of Engineers (Corps) to determine if a permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is required. The Corps advised that a Section 404 permit would be required if the salvage would result in any discharge of fill material into Two Mile Creek or the Great Miami River, actions which CSXT states that they plan to avoid.

### ***Land Use***

The City of Hamilton supports CSXT's efforts to abandon the Hamilton Beltline. There is no evidence that abandonment of the Hamilton Beltline will be inconsistent with existing land use plans. CSXT's abandonment will result in no immediate change to land use. CSXT has noted that beyond abandonment, no new railroad business is expected to develop along the line, which runs through residential areas, along a wooded section of Two Mile Creek, and a short stretch of riverfront industrial property in the town of Hamilton.

CSXT consulted with federal, state and local agencies and officials, including the Ohio Department of Transportation (Ohio DOT), U.S. Soil Conservation Service, the office of the City Manager, City of Hamilton, and the Butler County Department of Development regarding potential impacts of the proposed abandonment to land use. Butler County indicated that the abandonment would not conflict with current land use plans in the county. The Ohio DOT has not responded to CSXT's request for comments, despite a purported interest in use of the line for a trail. The Soil Conservation Service compared the project area to soil survey data and found a small percentage (< 12 percent) of the right-of-way to be located in soils classified as prime farmland. As the majority of the right-of-way is located in developed urban area, including residential and industrial spaces, the abandonment will likely have no significant impact on agricultural land.

CSXT also consulted with the National Geodetic Survey (NGS), in accordance with 49 CFR 1105.7, to determine if any geodetic survey markers may be affected by the abandonment. The NGS responded with a finding that no markers are known to be located in the right-of-way.

### ***Biological Resources***

The project is unlikely to adversely affect biological resources. The U.S. Fish and Wildlife Service (USFWS), Ohio Field Office, includes two federally listed endangered species (Indiana Bat and Rayed Bean mussel), as occurring in Butler County. However, based on consultation conducted by CSXT with the USFWS, the USFWS confirmed that no Federal wilderness areas, wildlife refuges or designated critical habitat are located in the vicinity of the project area. Further, the USFWS indicated that the scope and location of the project is unlikely to result in adverse effects to federally endangered, threatened, proposed, or candidate species.

### ***Air Quality and Noise***

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that abandonment of and salvage activities for the Hamilton Beltline would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: U.S. Army Corps of Engineers; U.S. Department of Agriculture, Natural Resources Conservation Service; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; Ohio Department of Natural Resources; Ohio Department of Transportation; Ohio Environmental Protection Agency; Ohio Historic Preservation Office; City of Hamilton, Ohio; Butler County, Ohio, Department of Development.

### **HISTORIC REVIEW**

To facilitate compliance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800, CSXT served a Historic Report on the Ohio Historical Society, Ohio Historic Preservation Office (OHPO), pursuant to 49 C.F.R. § 1105.8(c). The APE for this undertaking consists of the 2.96 mile rail right of way, which is 13 feet wide, resulting in a total area of 4.7 acres.

According to CSXT, the Hamilton Beltline was historically part of the Baltimore & Ohio Railroad system and, by the 1970s, the line was part of Chessie System Railroads. By the late 1980s, the Hamilton Beltline became part of the CSX Railroad, which incorporated the Baltimore & Ohio Railroad Company and the Chesapeake and Ohio Railway Company.

While an original construction date is not known, the Hamilton Beltline appears as an established landscape feature on a 1955 topographic map of Hamilton. Prior to that time the line was built to serve industries located along the Great Miami River.<sup>3</sup> In the early 20th century, the

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3 City of Hamilton v. Haussenbein No. 1075. 102 Ohio App. 556 (1956) City of Hamilton, Appellee, v. Hausenbein, Appellant. Court of Appeals of Ohio, Butler County. Decided December 6, 1956, <http://www.leagle.com>.

Beltline served the Champion Bonded Paper Company; both the beltline and the latter company facility appear on a 1914 map.<sup>4</sup>

In their Historic Report, CSXT notes that no CSXT-owned structures greater than 50 years of age are located within the APE. Two timber trestle bridges that cross Two Mile Creek may be an exception. CSXT maintains that the two bridges on the line are not considered historic because of regular maintenance and repair, alterations that result in continual changes to these structures. Such maintenance and repair may compromise integrity of design, materials and workmanship. Based on data collected by OEA from the EPA's *NEPAssist* online project planning tool<sup>5</sup> and the OHPO, many of the homes near the Beltline were built prior to the 1950s and several are listed on the Ohio Historic Inventory. There is no indication that any of these buildings are eligible for, or listed on the National Register of Historic Places.

Regarding any potential for the abandonment and salvage operations to affect archaeological sites, CSXT has indicated that the original construction involved grading and filling to the extent that any near-surface deposits may have been disturbed. CSXT indicates that salvage operations will not extend deeper than the depth of any previous disturbance. OHPO records reviewed by OEA indicate the presence of a recorded archaeological site immediately adjacent to the right-of-way and Rhea Avenue. The site is not indicated as eligible for or listed on the National Register.

In their consultation with the OHPO, CSXT indicated that no historic properties exist within the APE and that the likelihood of impacting intact, subsurface archaeological deposits is minimal. The OHPO returned comment with a determination that the abandonment will not affect historic properties. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, consultation with the OHPO, all relevant correspondence, and this EA, which have been made available to the public through posting on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov).

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the State Historic Preservation Officer and the public, OEA has determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the APE) of the proposed abandonment.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Native American Graves Protection and Repatriation Act Online Native American Consultation Database and the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, to identify federally-recognized tribes that may have ancestral connections to the Butler County, Ohio area.<sup>6</sup> The search indicated that the Eastern Shawnee Tribe of Oklahoma may have

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4 Butler County, Atlas and Pictorial Review, The Republican Publishing Company, 1914, <http://middletownlibrary.contentdm.oclc.org>.

5 Data acquired from U.S. Environmental Protection Agency (<http://nepassisttool.epa.gov/>).

6 U.S. National NAGPRA Program (<http://grants.cr.nps.gov/nacd/index.cfm>); U.S. Department of Housing and

particular interest in Butler County, Ohio and that a total of twelve tribes have cultural affiliations to the state of Ohio. To ensure tribes with any knowledge regarding properties of traditional religious and cultural significance in the general area of the proposed abandonment are consulted, OEA is sending a copy of this EA to the following tribes for review and comment: Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Miami Tribe of Oklahoma; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Turtle Mountain Band of Chippewa Indians of North Dakota; United Keetoowah Band of Cherokee Indians in Oklahoma; Wyandotte Nation, Oklahoma.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of **Jeff Irwin**, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 734X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Jeff Irwin, the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at [Jeffrey.Irwin@stb.dot.gov](mailto:Jeffrey.Irwin@stb.dot.gov).

Date made available to the public: April 29, 2014.

**Comment due date: May 14, 2014.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment